

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /120 W

----- 118610

R 032032Z DEC 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 2463

INFO AMEMBASSY LA PAZ

AMEMBASSY LIMA

C O N F I D E N T I A L SECTION 1 OF 2 SANTIAGO 11545

NOFORN

E. O. 11652: GDS

TAGS: PFOR, PBOR, PE, BL, CI

SUBJECT: BOLIVIAN CORRIDOR: CHILE-PERU NEGOTIATIONS

1. SUMMARY: FONMINISTER CARVAJAL TOLD THE AMBASSADOR IN CONFIDENCE DEC. 2 THAT THE PERUVIAN FONMINISTER WOULD VISIT SANTIAGO ABOUT DEC. 20 TO CONTINUE TALKS ON THE BOLIVIAN CORRIDOR. CHILE CANNOT AGREE TO A RESOLUTION OF THE ISSUE UNDER WHICH PERU WOULD EXTRACT AN ADVANTAGE FROM CHILE'S EFFORT TO MEET BOLIVIA'S DESIRES FOR A CORRIDOR. CARVAJAL RAISED THE POSSIBILITY OF A REQUEST TO THE USG TO RULE ON A PERUVIAN-CHILEAN DIFFERENCE IN INTERPRETATION OF THEIR 1929 TREATY. AMBASSADOR SAID THAT IN SUCH A CASE HE PERSONALLY FORESAW SOME DIFFICULTIES, BUT WAS CAREFULLY NON-COMMITTAL. END SUMMARY.

2. CHILEAN-PERUVIAN MEETING: DURING A TOUR D'HORIZON DEC. 2

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FOLLOWING HIS RETURN FROM WASHINGTON, THE AMBASSADOR REMARKED

TO CARVAJAL THAT THE USG WAS NOT IN ANY WAY INVOLVED IN THE CURRENT NEGOTIATIONS LOOKING TOWARD A BOLIVIAN CORRIDOR TO THE SEA, BUT OF COURSE HOPED FOR A SUCCESSFUL SOLUTION OF THE PROBLEM. HE ASKED ABOUT THE SITUATION IN VIEW OF THE PERUVIAN-CHILEAN STANDOFF.

3. CARVAJAL SAID THERE COULD NOT BE THE SLIGHTEST DOUBT ABOUT THE CHILEAN REACTION TO PERU'S COUNTER-PROPOSAL ON THE CESSION OF LAND TO BOLIVIA. THE UNIVERSAL REACTION WAS NEGATIVE. HE RECALLED THAT THE OFFER TO BOLIVIA OF DECEMBER 1975 HAD REPRESENTED A CONSIDERABLE SACRIFICE FOR CHILE. THE GOC WOULD HAVE PREFERRED NOT TO CONSIDER A CESSION OF TERRITORY. IT DID SO IN THE INTEREST OF SETTLING ONCE AND FOR ALL BOLIVIA'S PROBLEM OF ACCESS TO THE SEA.

4. IN THEN CONSULTING WITH PERU AS REQUIRED BY THE 1929 BILATERAL TREATY, THE GOC UNDERSTOOD THAT PERU SHOULD NOT LOSE ANYTHING BY VIRTUE OF THE CESSION; ACCORDINGLY, CHILE HAD CONDITIONED ITS PROPOSAL TO BOLIVIA ON OBTAINING FROM THE BOLIVIANS A GUARANTEE OF PERUVIAN RIGHTS EXISTING UNDER THE 1929 TREATY. BUT NEITHER COULD CHILE ACCEPT THAT PERU SHOULD EXTRACT AN ADVANTAGE FROM THE ARRANGEMENT WITH BOLIVIA AT CHILE'S EXPENSE. PERU WOULD HAVE GAINED FROM ITS PROPOSAL. THE PROPOSAL GAVE PERU A STAKE IN COASTAL TERRITORY SOUTH OF THE PRESENT BORDER, AND IN THE PORT OF ARICA. THIS WAS UNWARRANTED. WITH THE ENORMOUS COASTLINE PERU ALREADY HAS, CARVAJAL ADDED, IT WAS ABSURD FOR PERU TO SEEK TO LIMIT THE COASTLINE CHILE HAD OFFERED TO BOLIVIA.

5. GOC FONMIN POLITICAL ADVISER BERSTEIN, WHO PARTICIPATED IN THE TECHNICAL CONVERSATIONS WITH PERU, EXPANDED ON THIS POINT IN A SEPARATE CONVERSATION WITH EMBASSY DCM. HE EMPHASIZED: A) THAT FROM THE FIRST THE GOC HAD MADE IT CLAR TO BOLIVIA THAT THE SINE QUA NON OF A CORRIDOR NEGOTIATION WAS TRANSFERENCE OF SPECIAL PRIVILEGES ACCRUING TO PERU IN THE ARICA AREA; AND B) THAT DURING THE "CONVERSATIONS" ALL THE TECHNICAL PROBLEMS PERTAINING TO PERU'S TRANS-BORDER PRIVILEGES (TRANSIT OF PERSONS, TRANSIT OF GOODS, WATER RIGHTS, ETC.) HAD BEEN RESOLVED. BERSTEIN SPECULATED THAT THE SUCCESSFUL TECHNICAL-LEVEL SOLUTION OF THESE PROBLEMS MAY HAVE BEEN A FACTOR INDUCING THE GOP TO INJECT INTO THE PICTURE THE MAJOR NEW POLITICAL ELEMENT OF

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TRI-PARTITE SOVEREIGNTY OVER PRESENT CHILEAN TERRITORY.

6. THE AMBASSADOR ASKED CARVAJAL WHAT STEPS BY THE PARTIES COULD NOW BE EXPECTED. CARVAJAL REPLIED THAT PERUVIAN FONMINISTRY SECRETARY GENERAL MARCHAND HAD BEEN VERY CONCILIATORY WHEN CHILEAN AMBASSADOR BULNES HAD PRESENTED THE GOC REJECTION OF THE PERUVIAN PROPOSAL IN LIMA LAST WEEK. MARCHAND HAD SUGGESTED A MEETING OF FONMINISTERS IN LINA TO CONSIDER THE PROBLEM.

BULNES REPLIED THAT SUCH A MEETING WOULD HAVE TO TAKE PLACE IN SANTIAGO (CITING THE FACT THAT KEY ADVISER JULIO PHILIPPI HAD RECENTLY UNDERGONE AN OPERATION), AND MARCHAND HAD ACCEDED. THE GOVERNMENTS ARE THEREFORE IN AGREEMENT THAT THE PERUVIAN FONMINISTER WILL INVITE CARVAJAL TO MEET IN LIMA. CARVAJAL WILL THEN SUGGEST SANTIAGO, AND THEY WILL MEET IN SANTIAGO ON OR ABOUT DEC. 20.

7. CARVAJAL

MADE A SPECIAL POINT OF ASKING THAT HIS CONFIDENCE BE RESPECTED, SINCE THE TWO GOVERNMENTS HAD TOLD NO ONE ELSE OF THIS PLANNED MEETING.

8. COMMUNICATIONS PROBLEM: CARVAJAL THEN REFLECTED SOME IRRITATION AT PERUVIAN NEGOTIATING TACTICS. THE NEW PERUVIAN PROPOSAL HAD BEEN SUDDENLY INTRODUCED AFTER DETAILED DISCUSSION OF THE CHILEAN PLAN, AND AN APPARENT DEGREE OF AGREEMENT REACHED IN THE TECHNICAL TALKS. THE PROPOSAL BEEN MADE ORALLY AND FOLLOWED UP BY A BRIEF MEMORANDUM; THE PERUVIAN FONMINISTER THEN MADE A LONG, SUBSTANTIVE STATEMENT TO THE PRESS, WHICH WAS NOT COMMUNICATED TO THE GOC. SIMILARLY, THE PERUVIANS HAD COMMENTED AT LENGTH IN THE PRESS ON THE CHILEAN REJECTION, BUT NOTHING HAS YET BEEN SAID OFFICIALLY. IN CONVERSATION WITH AMBASSADOR, CARVAJAL SHRUGGED OFF THIS PROCEDURE AS UNIMPORTANT AND DESIGNED FOR LOCAL PUBLIC CONSUMPTION IN LIMA; BUT HE

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USIA-06 SAL-01 /120 W

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R 032032Z DEC 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 2464
INFO AMEMBASSY LA PAZ
AMEMBASSY LIMA

C O N F I D E N T I A L SECTION 2 OF 2 SANTIAGO 11545

NOFORN

SPARED NO DETAILS IN DESCRIBING IT.

9. CHILE-BOLIVIA: THE AMBASSADOR ASKED WHERE ALL THIS LEFT THE BOLIVIANS. CARVAJAL SAID THE GOB WOULD NECESSARILY HAVE TO AWAIT THE CONCLUSION OF THE PERUVIAN-CHILEAN NEGOTIATIONS BEFORE IT COULD USEFULLY MAKE FURTHER MOVES. IF THE TALKS REACHED A DEAD END, THE GOC WOULD HAVE TO TELL LA PAZ THAT THE CURRENTLY ENVISAGED CONDITIONS FOR A CORRIDOR DO NOT EXIST. CHILE WOULD THEN HAVE TO SEE HOW THE TALKS WITH BOLIVIA COULD GO ON, BUT THEY WOULD CONTINUE IN SOME WAY. "WITH IMAGINATION AND GOOD FAITH," CARVAJAL CONCLUDED, A SATISFACTORY RESOLUTION OF BOLIVIA'S PROBLEM SHOULD ULTIMATELY BE FOUND. (WE DID NOT PURSUE THIS ASPECT FURTHER.)

10. USG AND INTERPRETATION OF 1929 TREATY: CARVAJAL NOTED THAT THE GOC AND GOP APPARENTLY INTERPRET DIFFERENTLY THE PROVISION
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IN THE PROTOCOL TO THE 1929 TREATY FOR PRIOR AGREEMENT TO ANY CESSION OF TERRITORY TO A THIRD COUNTRY (ARTICLE ONE OF THE PROTOCOL). HE RECALLED THE RELE ACCORDED TO THE US IN THE TREATY, IN SUCH AN EVENTUALITY, AND WONDERED WHAT MIGHT BE THE US ATTITUDE, SHOULD THE TWO COUNTRIES BECOME DEADLOCKED IN THEIR VIEWS. CHILE BELIEVES PERU SHOULD GIVE A SIMPLE YES OR NO TO THE PROPOSED CESSION TO BOLIVIA PROVIDED PERU'S RIGHTS ARE FULLY SAFEGUARDED, WHEREAS THE GOP BELIEVES IT HAS THE RIGHT TO NEGOTIATE WITH CHILE ON ALL ASPECTS OF A SETTLEMENT. CARVAJAL SAID THAT IF THE US PRESIDENT SHOULD BE ASKED TO DECIDE (ARTICLE 12 OF THE TREATY), THE QUESTION FOR DECISION WOULD NOT BE SUBSTANTIVE, BUT ONLY ONE REGARDING THE PROPER INTERPRETATION OF THE TREATY.

11. THE AMBASSADOR REPLIED THAT HE HAD NO INSTRUCTIONS ON THE SUBJECT AND COULD ONLY SPEAK PERSONALLY. HE NOTED THAT THE USG HAD NOT ACCEPTED THE ROLE ASSIGNED TO IT IN THE 1929 TREATY, AT THE TIME OR LATER. A REQUEST FOR US INTERCESSION WOULD BE SOMETHING NEW, SINCE THE USG HAD NEVER BEEN APPROACHED. PERSONNALLY, HE WOULD IMAGINE THERE MIGHT BE SOME RELUCTANCE IN THE US TO BECOME INVOLVED. IF THE PROBLEM WERE ONE OF A LEGAL INTERPRETATION OF THE TREATY, THE AMBASSADOR SUGGESTED IT MIGHT BE POSSIBLE TO HAVE RECOURSE TO AN INTERNATIONAL JUDICIAL BODY FOR A DETERMINATION.

12. COMMENT: CARVAJAL INTRODUCED A POSSIBLE US ROLE UNDER THE 1929
TREATY DIFFIDENTLY, AS THOUGH IT WERE IN NO WAY AN IMMINENT MATTER.
HE APPEARS TO HAVE BEEN TESTING THE GROUND. NEVERTHELESS, THE
DEPARTMENT MAY WISH TO CONSIDER THE QUESTION, IN CASE IT IS LATER
PUT OFFICIALLY.
POPPER

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